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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,421	07/09/2001	Michael Barclay	2000.053700/TT4043	7362
23720 7590 01/10/2007 WILLIAMS, MORGAN & AMERSON 10333 RICHMOND, SUITE 1100 HOUSTON, TX 77042			EXAMINER MOORTHY, ARAVIND K	
			ART UNIT 2131	PAPER NUMBER
			MAIL DATE 01/10/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)	
	09/901,421	BARCLAY ET AL.	
	Examiner	Art Unit	
	Aravind K. Moorthy	2131	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 December 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-25.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: The applicant argues that Rohrl does not teach receiving the authorization signal from the base station and disabling a transmitter of the user terminal. The examiner respectfully disagrees. Rohrl discloses that the base station 14 is configured such that it records the time of signal emission by the transmitter unit 11, and the time of the reception of a response signal by the receiving unit 12 (in particular, of the checkbits that are relevant to the propagation time). Therefore, real-time measurement takes place in the base station 14, during which the start is determined by the emission of checkbits by the base station 14, and the end is determined by the reception of the corresponding checkbits by the base station 14. The propagation time of the checkbits, i.e., from the emission by the transmitter unit 11 to the reception by the receiving unit 12 is measured and is compared with a maximum admissible reference propagation time. The functions in the motor vehicle are controlled only if the propagation time of the checkbits lies within the reference propagation time and the code information is authorized. The applicant argues that Lambert is completely silent with regard to a MODEM having a software component with software running thereon, as set forth in claim 9. The examiner respectfully disagrees. Lambert discloses the MODEM has a chip that provides two channels for parallel-to-serial conversion and serial-to-parallel conversion of data, according to number of different synchronous and asynchronous serial formats selectable by suitable programming of the chip, as described in detail in the manufacturer's data sheets relating to the chip, for example the Zilog Component Data Book. Each channel of the chip is also programmable as to the clock division ratio utilized, but for reasons that will become apparent, this ratio is selected to be unity. The serial data format may be chosen to suit the application and does not affect the implementation of the invention. Apart from various control addressing and power supply connections (not shown) which are conventional and do not form part of the invention, the chip has connections to an eight bit parallel data input/output bus 4, a transmitter clock input TXC, a serial data transmit output TXD, a receiver clock input RXC, and a serial data receive input RXD. The applicant argues that Newton's Telecom Dictionary is completely silent as to a device communicating with a base station of a communication system where an authorization signal authorizes the device to communicate with the base station. The examiner agrees that Newton's Telecom Dictionary is completely silent as to a device communicating with a base station of a communication system where an authorization signal authorizes the device to communicate with the base station. However, Newton's Telecom Dictionary was not used to teach this feature. Rohrl discloses this feature.


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